

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS SUAREZ,

Plaintiff,

v.

SHIRLEY, *et al.*,

Defendants.

No. 1:21-cv-00085-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF ACTION FOR FAILURE TO
STATE A CLAIM

(Doc. No. 14)

Plaintiff Thomas Suarez is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 3, 2021, the assigned magistrate judge screened the first amended complaint and issued findings and recommendations recommending that the federal claims in this action be dismissed, with prejudice, based on plaintiff's failure to state a cognizable claim upon which relief may be granted, and that the court decline to exercise supplemental jurisdiction over plaintiff's purported state law claim. (Doc. No. 14.) The deadline to file objections has passed, and plaintiff has failed to file objections to the pending findings and recommendations or otherwise communicate with the court regarding this action.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the

magistrate judge's findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on May 3, 2021, (Doc. No. 14), are adopted in full;
2. The federal claims in this action are dismissed, with prejudice, due to plaintiff's failure to state a claim upon which relief may be granted;
3. The exercise of supplemental jurisdiction over plaintiff's state law claims is declined, and the state law claims are dismissed, without prejudice; and
4. The Clerk of the Court is directed to assign a district judge to this case for the purpose of closing this case and then to close this case.

IT IS SO ORDERED.

Dated: **October 1, 2021**


UNITED STATES DISTRICT JUDGE